

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON, individually, and on behalf of all others similarly situated, Plaintiff, v. COMCAST CORPORATION and COMCAST CABLE COMMUNICATIONS, LLC, Defendants.	Civil Action No. 2:20-cv-01763 Hon. Nitza I. Quiñones Alejandro
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DECLARATION OF NICOLE PATEL

I, Nicole Patel, declare:

1. I am the Director of Compliance for Comcast Cable Communications, LLC (“Comcast”), which is an indirect subsidiary of Comcast Corporation. I have been in this role since 2016. I submit this Declaration in support of Defendants’ Motion to Compel Individual Arbitration and Stay Litigation. If called as a witness, I would and could competently testify to all of the following, which is within my personal knowledge and based upon information gathered within the course and scope of my duties.

2. As part of my job responsibilities, I am familiar with the content and provisions of the Comcast Agreement for Residential Services (“Subscriber Agreement”), which governs the contractual relationship between Comcast and its subscribers, and other documents that govern subscribers’ services and arbitration. I am also familiar with Comcast’s routine business practices regarding the provision of these documents to Comcast subscribers.

3. I have reviewed Comcast records that were created and maintained in the ordinary course of business and collected by myself or others working under my direction.

Shelton Home Account

4. Comcast records reflect that, on or about September 24, 2006, a Comcast account ending in 6715 (the “Shelton Home Account”) was opened under the name [REDACTED] for cable and internet services on Covered Bridge Road, King of Prussia, PA 19406. The Shelton Home Account remains active as of the date of this Declaration.

5. Comcast’s records show that Plaintiff James Shelton’s (“Plaintiff”) telephone number [REDACTED]-3942 (“3942 Number”) was provided to Comcast and is maintained as a mobile contact number associated with the Shelton Home Account and that [REDACTED] is also associated with the Shelton Home Account.

6. Comcast’s records reflect that Plaintiff called Comcast on January 29, 2020 from the 3942 Number in connection with Comcast services provided for the Shelton Home Account. Comcast has no record of any calls concerning this account from any other number. The underlying call recordings were kept in the ordinary course of business.

7. The Subscriber Agreement contains a provision providing the opportunity to opt out of the arbitration provision, with no adverse effect on their services, simply by notifying Comcast within thirty (30) days from the date Comcast first provided notice of the right to opt out.

8. It is Comcast Cable’s regular and routine business practice to maintain records of subscribers’ opt-out requests within its arbitration opt-out database.

9. On July 21, 2018, an opt-out request from arbitration for the Shelton Home Account was submitted through Comcast’s website. The opt-out request stated that the Welcome Kit (a kit provided at installation of a new account) for that account was received at the Shelton Home on July 21, 2018.

10. Comcast has no record of providing a Welcome Kit to the Shelton Home Account in July 2018, as Comcast has been providing service continuously to the Shelton Home since September 2006.

0142 Account

11. Comcast records reflect that, on or about June 22, 2018, a Comcast account ending in 0142 (“0142 Account”) was opened under the name James Shelton for cable and internet service.

12. On June 25, 2018, Comcast sent an email to the address provided by Plaintiff confirming his Comcast service for the 0142 Account. A true and correct copy (although redacted) of the confirmation email is attached hereto as **Exhibit A**.

13. The email informed Plaintiff his “XFINITY Welcome Guide” was on its way and provided Plaintiff a hyperlink to “See our Customer Agreements,” which brought Plaintiff to a copy of Comcast’s Subscriber Agreement, which governed the account. **Ex. A**.

14. On July 17, 2018, an opt-out request from arbitration for the 0142 Account was submitted through Comcast’s website. The opt-out request stated that the Welcome Kit was received on at the Shelton Home on June 25, 2018.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed this 14th day of August, 2020, in Philadelphia, Pennsylvania.



Nicole Patel

EXHIBIT A

▼ Email Correspondence

Thanks for choosing XFINITY! Let's get started.

Jun 25, 2018 01:00 PM EDT

Thanks for choosing XFINITY! Let's get started.

Sent to: [REDACTED]

[View Email](#)

[Resend Email](#)

Ready to learn about your new services? [Get started](#)

[My Account](#)



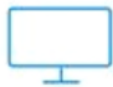
Thanks for choosing XFINITY!

Now's the perfect time to set up your [XFINITY username](#). This gives you the flexibility to start managing your account and upcoming installation.

[Create your username](#)

Your XFINITY Welcome Guide is in the mail

Your Welcome Guide will arrive in the mail soon. Can't wait to get started? We get it. Check out your online [Welcome Guide](#) to start learning about your new services.



**See your
channel lineup >**



**See our services
and pricing >**



**Find out how
to reach us >**

[See our Customer Agreement >](#)

[Read our Policies >](#)

Why wait? Start enjoying XFINITY today:

[Log in to My Account >](#)

[Stay connected with WiFi hotspots >](#)



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